

May 7, 1973

CONGRESSIONAL RECORD — SENATE

S 8401

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC BROADCASTING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 117, S. 1090, and that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1090) to amend the Communications Act of 1934 with respect to recess appointments to the Board of Directors of the Corporation for Public Broadcasting and to extend certain authorizations for such Corporation and for certain construction grants for noncommercial educational television and radio broadcasting facilities.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on Commerce with an amendment on page 2, for line 14, insert a new section, as follows:

SEC. 2 Section 399 of the Communications Act of 1934 is amended by inserting "(a)" after "Sec. 399." and by inserting at the end thereof the following new subsection:

"(b) (1) In order to assure compliance with this section and with other provisions of this Act requiring fair treatment of matters in the public interest, every licensee of a broadcast station which receives assistance under this title shall make audio recordings of each broadcast of a program in which issues of public importance are discussed, and shall maintain such recordings for a period of sixty days from the time such program is broadcast. Copies of these recordings shall be made available to the Commission upon its request, and to any member of the public upon payment of the reasonable costs associated with the making of such copies: Provided, That the foregoing requirement may be satisfied by retention of the audio tape by the Corporation for Public Broadcasting or any authorized entity.

"(2) The Commission shall by rule prescribe the manner in which such recordings shall be kept, and the conditions under which they shall be available to the members of the public, giving due regard to the goals of eliminating unnecessary expense and effort and minimizing administrative burdens."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 396(k) (1) of the Communications Act of 1934 is amended to read as follows:

"(k) (1) There is authorized to be appropriated for expenses of the Corporation \$55,000,000 for the fiscal year ending June 30, 1974, and \$75,000,000 for the fiscal year ending June 30, 1975."

(b) Section 396(k) (2) of such Act is amended by striking out "1973" and inserting in lieu thereof "1975".

(c) Section 391 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS"

"Sec. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1974, and each of the three succeeding fiscal years such sums, not to exceed \$25,000,000 in any such year as may be necessary to carry out the purposes of section 390. Sums appropriated under this section for any fiscal year shall remain available for

payment of grants for projects for which applications, approved under section 392, have been submitted under such section prior to the end of the succeeding fiscal year."

Sec. 2. Section 399 of the Communications Act of 1934 is amended by inserting "(a)" after "Sec. 399" and by inserting at the end thereof the following new subsection:

"(b) (1) In order to assure compliance with this section and with other provisions of this Act requiring fair treatment of matters in the public interest, every licensee of a broadcast station which receives assistance under this title shall make audio recordings of each broadcast of a program in which issues of public importance are discussed, and shall maintain such recordings for a period of sixty days from the time such program is broadcast. Copies of these recordings shall be made available to the Commission upon its request, and to any member of the public upon payment of the reasonable costs associated with the making of such copies: Provided, That the foregoing requirement may be satisfied by retention of the audio tape by the Corporation for Public Broadcasting or any authorized entity.

"(2) The Commission shall by rule prescribe the manner in which such recordings shall be kept, and the conditions under which they shall be available to the members of the public, giving due regard to the goals of eliminating unnecessary expense and effort and minimizing administrative burdens."

The PRESIDING OFFICER. Debate on the bill is under control. The debate on each amendment is limited to 30 minutes and on the bill to 1 hour.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief quorum call, with the time for the quorum call not to be allocated under the time allocation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. PASTORE. For the purpose of the record, what is the pending business?

The PRESIDING OFFICER. The question is on the amendment of the committee to S. 1090.

Who yields time?

Mr. PASTORE. Mr. President, I yield back my time.

Mr. BAKER. Mr. President, I hope the Senator from Rhode Island will not yield back his time at this point. I understand the Senator from North Carolina (Mr. HELMS) may have a statement to make, and there is a possibility he may have an amendment in the nature of a substitute, and if that is the case, I am sure the Senator from Rhode Island would have remarks to make in that respect.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. PASTORE. Mr. President, I withdraw my request.

Mr. BAKER. Mr. President, I do not think there is any need for a long and extended debate on this matter. We have a rather short time limitation, anyway,

but I believe that the report itself comprehensively covers the bill.

By the way, Mr. President, I yield myself such time as I may require.

Mr. PASTORE. Mr. President, will the Senator yield so that I may make the opening statement, and then the Senator can take it from there, with his kind permission?

Mr. BAKER. Mr. President, I yield.

Mr. PASTORE. Mr. President, I might say, for the purpose of the record, that the bill we are considering is S. 1090, a bill which would extend the authorization for the Corporation for Public Broadcasting, and the authorization for grants, for construction of public broadcasting facilities.

It would also require all noncommercial radio and television stations receiving Federal assistance to keep audio recordings of each broadcast of a program in which issues of public importance are discussed. These audio recordings would be kept for 60 days from the time such programs are broadcast, and would be available to the public upon the payment of reasonable costs. The FCC would prescribe rules to implement the requirement.

Specifically, S. 1090 would authorize for the:

A. Corporation for Public Broadcasting

First. Fiscal year 1974—\$55 million and up to an additional \$5 million in matching funds.

Second. Fiscal year 1975—\$75 million and up to an additional \$5 million in matching funds.

B. Funds for construction of educational television and radio broadcasting facilities for the fiscal year ending 1974 and each of the 3 succeeding fiscal years such sums, not to exceed \$25 million in any 1 year.

Mr. President, recently the Commerce Committee undertook what was probably the most comprehensive review of public broadcasting since enactment of the Public Broadcasting Act in 1967. The record that emerged completely justifies continued funding of the Corporation for Public Broadcasting and the construction facilities program at the levels provided in S. 1090.

When Congress enacted the Public Broadcasting Act it committed the Government to a program that went far beyond the initial \$5 million appropriated as seed money. The idea was then and still is that many times that amount of money is necessary for an effective system. Ideally these funds will be provided by long-range financing. Meanwhile, however, realistic authorizations and appropriations must be the source of funds.

The recent hearings also established beyond peradventure of a doubt the necessity for a multiyear authorization for the Corporation.

In this connection the testimony of Mr. Henry Loomis, president of CPB who unequivocally supported the authorizations in S. 1090 was especially interesting. I would like to quote what he told the committee. He said:

The production of programs for presentation by local public broadcasting stations is, and should be a careful, time consuming

process. It takes time to consult with 147 television licensees and 138 qualified radio stations on their program needs, to analyze and react to their recommendations and their proposals, to decide upon production centers, to negotiate for rights, to produce a pilot, to produce the final series, schedule and present them for use by the stations.

Compressing their entire cycle into a single year means compromising on the quality of the final product. Series like BBC's "Henry VIII" and "Civilisation" cannot be planned and produced in one year. It took almost three years of research, planning, and development before the first "Sesame Street" series could be aired.

Annual authorizations not only undermine the Corporation's stability and inhibit its ability to plan adequately and effectively, they strike at the very core of the system—the development of strong local stations.

Moreover, such a procedure is fiscally unwise. As financial stability increases, so too will the ability to plan and execute projects economically.

Mr. President, public broadcasting informs and entertains millions of Americans. The contributions it has already made to our cultural and intellectual life are immeasurable. I urge the Senate to demonstrate its support for this program by enacting S. 1090.

I want to say in conclusion, Mr. President, that I have received fine cooperation from the members of the other party on our committee, particularly the Senator from Tennessee (Mr. BAKER) and also the Senator from Kentucky (Mr. COOK). They are sincere men, who are very much imbued with the public interest.

Our difficulty in the beginning was the 1-year authorization, and for that reason we had appear before us the officers and directors of the corporation, most of whom had been appointed by President Nixon and are Republicans by political stamp. They all agreed that one year was insufficient to do the planning necessary to give us quality public television, and we adopted their view. They endorsed the bill and we adopted their recommendation. We made it 2 years.

Some people think it ought to be longer than that. Others think it ought to be confined to 1 year. We tried to reach a reasonable median.

Further than that, there was a matter of money. We authorized \$55 million for the first year. \$45 million was requested by the administration last year, but when we had the continuing resolution bill before us, we made it \$35 million, and this bill provides a pickup of \$10 million, which I think is helpful.

As far as the second year is concerned, fiscal 1975, we have stipulated \$75 million. That is a debatable subject. I am not going to be picayune about it, and if any compromises can be worked out, I am amenable to them.

I think we ought to get rid of this authorization proposal, before long the corporation will be completely out of funds. We have some distinguished people who serve on the corporation, who have been called in from all parts of the country—very distinguished people, I might say—for whom the President has no apology to make.

Mr. President, for that reason I would hope that we could get together and in a very short time pass the authorization and pass it on to the House.

Mr. BAKER. Mr. President, I yield myself as much time as I might require.

At the beginning I pay my special respects to the distinguished senior Senator from Rhode Island (Mr. PASTORE), who serves so ably and energetically in his capacity as chairman and principal figure on the communication Subcommittee. He has done an outstanding job. He has a remarkable grasp of the affairs at hand. This is not meant, Mr. President, to be flattery. It is no more than a simple statement of the fact. It is a sheer pleasure to work with the Senator from Rhode Island, even when we are in disagreement as we sometimes are.

Mr. President, I have a short statement to make with reference to public broadcasting and will then have a suggestion which I would like to make in order to try to expedite the Senate consideration of this matter.

It is my understanding that the Senator from North Carolina (Mr. HELMS) and possibly the Senator from Michigan (Mr. GRIFFIN) may have remarks to make or amendments to offer. Of those matters I am not sufficiently aware at this point.

I would, however, like to advise the Members of the Senate that we probably will not utilize the full time allocated to the bill.

Mr. President, last year on several occasions, and again this year during our hearings on S. 1090, I expressed serious misgivings with the structure and operation of our public broadcasting system, and particularly the Corporation for Public Broadcasting—CPB.

The first few years of experience under the Public Broadcasting Act saw the development of a centralized, national network system, but only limited support for the particular program needs of the local stations and their growing requirement for improved broadcasting equipment. Since that time the membership of the Board of Directors of the Corporation has changed and efforts are being made to establish a new relationship with local public broadcasting stations. From time to time, reports on the progress of these efforts have appeared in the press with particular emphasis on the role of the Ford Foundation. On Saturday, the Washington Post contained a column by John Carmody which again highlighted the way the Ford Foundation is using the threat to withhold \$8.4 million in grants from PBS, to obtain a reorganization that is acceptable to the foundation. The article also indicates that major corporate gifts are being withheld because the questions have not been resolved in favor of the network concept.

Mr. President, such a misuse of monetary influence is exactly what we hoped to avoid when the Congress passed the Public Broadcasting Act of 1967. The Congress sought to establish a structure that would insulate public broadcasting from commercial and governmental influences. Unfortunately, we now find that we did not accomplish that purpose—some say in either respect.

The Federal Government could provide all the funds for public broadcasting. However, the dominance of any one source of funds for public broadcasting or its national program service is a real danger whether that source be the Government, a private foundation like Ford or a commercial enterprise. We cannot permit any one institution to exert an unhealthy influence and deny noncommercial television "that freedom from the constraints, however necessary in their context, of commercial television * * *"; that "freedom" the Carnegie Commission regarded as essential to a vital public broadcasting service.

We must not permit Government, commercial interests or foundations to frustrate again in the words of the Carnegie Commission:

The freedom and excellence that will persuade creative people that [public broadcasting] is a medium through which they can best express themselves.

During consideration of the public broadcasting legislation last year, I called for greater emphasis on the needs and desires of local stations. If that is what is achieved by these reorganizations that are taking place in the public broadcasting community, I look forward with optimism to the future of our public broadcasting system. If on the other hand, another centralized network is to be established, whether it be under the auspices of CPB or the Public Broadcasting Service, we have not progressed very far since the issue was raised last year.

There is a certain irony in the fact that those who are the most vocal in proclaiming the essentiality of localism are also the most effective in creating the kind of centralized decisionmaking process that comes closest to a network form of operation in the commercial sense. Any decisionmaking process for the expenditure of appropriated funds that forecloses individual station access to CPB, the entity with ultimate responsibility under the Public Broadcasting Act, is unsatisfactory. Any such process that forecloses the access of representatives of the public to CPB is likewise unsatisfactory. CPB's job is not an easy one. Balancing local, regional, and national interests of the stations and the public is a complex task. I have every confidence that the distinguished board and management at CPB will meet the challenge. Their failure to do so would certainly compromise the value of public broadcasting to the American public.

Nothing would enhance true localism more than equipping each local station in a fashion that gives it the real capacity to accept or reject, tape, delay, store, broadcast, or rebroadcast programs from whatever service in a locally determined schedule. We have heard testimony that only 25 percent of the stations have full video tape recording, delay and rebroadcast capability. I believe it is time for the Secretary of Health, Education, and Welfare to give a new priority to applications for video tape recorders under the educational broadcasting facilities program.

Correspondingly, I believe there must be meaningful consultation with the local stations in program development and

scheduling. The Corporation is responsible under the law for the interconnection system; how it is used; what it is used for; and who uses it. This ultimate responsibility cannot be delegated or shared. As long as the Corporation received Federal funds, the Corporation must remain fully accountable to the Congress, not only for its use of federally appropriated funds, but also for the stewardship of the publicly subsidized and federally funded interconnection system.

I support S. 1090, although I am concerned about the level of funding in view of the severe budget restraints being experienced by other Federal programs. Public broadcasting does not need the instability created by continued disagreements over appropriate funding levels. I am hopeful that we can agree on a mutually acceptable solution to the problem, as there is much to be done to enable public broadcasting to fulfill its potential.

I have prepared an amendment which I do not now send to the desk for reporting by the clerk. It is an amendment which would simply reduce the funding level for the fiscal year ending June 30, 1975, from \$75 million to \$65 million for that period. This would provide CPB with \$70 million for the fiscal year ending June 30, 1975, including \$5 million in matching funds. I ask unanimous consent that the complete text of the amendment be printed at this point in the RECORD.

In the interest of time, I wonder if I might inquire of the distinguished chairman of the committee if he would discuss this matter and give me some indication of his reception to the idea of reducing the figure from \$75 million to \$65 million.

Mr. PASTORE. Mr. President, if the distinguished Senator from Tennessee would send the amendment to the desk, I would be very happy to accept it.

The PRESIDING OFFICER. There is a committee amendment pending.

Mr. PASTORE. Mr. President, I yield back the remainder of my time on the committee amendment.

Mr. BAKER. Mr. President, I yield back the remainder of my time on the committee amendment.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the committee amendment (putting the question).

The committee amendment was agreed to.

Mr. BAKER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 1, line 7, strike the following: "\$75,000,000" and insert "\$65,000,000".

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. BAKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee (putting the question).

The amendment was agreed to.

Mr. BAKER. Mr. President, I see that our colleague from North Carolina is not in the Chamber. Out of my time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield to the distinguished Senator from North Carolina such time as he may require.

Mr. HELMS. I thank my distinguished friend from Tennessee.

Mr. President, the junior Senator from North Carolina is somewhat reluctant to get into the controversy surrounding the Corporation for Public Broadcasting. There are many able Senators much better versed in the complexities of this issue than I. The controversy has been going on for many months, and, as a new Senator, I realize that many arguments have been made and many actions taken long before I came to this body.

Nevertheless, having spent a considerable amount of my career in television myself, it remains an area of deep concern to me, particularly in regard to public policy for both commercial and educational broadcasting. As a former newsman, I have a keen interest in the current discussions of "freedom of the press," and the allegations by some that the administration is attempting to pressure the Corporation for Public Broadcasting and the Public Broadcasting System.

Some time ago I read into the RECORD some statements by Mr. John P. Roche in which he came to the conclusion that it was simply impossible for any government anywhere to set up a governmentally supported broadcasting system without creating a built-in bias. I agreed then and I still agree that the Government has no business in the television business particularly when the intention is to "educate" the citizens.

But the issue before us now is whether to fund CPB for 2 years at a time when CPB is in the midst of a crisis in its relations with PBS and the stations. Or, to put it another way, can we afford to give CPB that much independence when we do not know which way it is heading? It is only natural that the officials of CPB, PBS, and the public TV industry are all in favor of high funding for the longest possible period. We cannot, however, accept their arguments at face value without fulfilling our duty to give the most careful scrutiny to the problem. It seems that everybody would like to be able to do what they please without being responsible to anyone else. So we have a situation where administration spokesmen are supposed to be pressurizing the CPB Board, the Board Chairman has quit, PBS is in open confrontation with CPB, the Ford Foundation is withholding its grants until everyone conforms to its wishes, and production units are refusing to produce. Congress is just supposed to authorize the money and shut up.

Such a situation is inevitable in a governmentally supported broadcasting operation. An ideological elite captured the CPB with the help of Federal and foundation money. They set up a system with maximum centralization so that the program content was easier to control. When the administration introduced more balance into the CPB Board and recommended the dismantling of the so-called fourth network the elite screamed. This is what has actually happened, although many people associated with this controversy are pretending it is a matter of "freedom of the press."

Mr. President, in studying this bill I went back to the 1967 debate over the legislation setting up the CPB. The problems we are faced with today were far-sightedly anticipated by those criticizing the bill. In particular, I was struck by the perceptive and prophetic comments of the senior Senator from South Carolina (Mr. THURMOND). In looking over them today I think that his remarks of 7 years ago were such that they could be endorsed by every political persuasion that is interested in freedom. At that time, Mr. THURMOND said:

Despite the safeguards pointed to by the proponents of the bill, there can be no doubt but that it violates both the spirit and the letter of the First Amendment: "Congress shall make no law abridging the freedom of speech or of the press."

While this bill would not abridge the freedom of any existing news media, it would set up new media financed at least in part by the Government. No one in America today believes that any media in the world, financed by any government, is truly free. By setting up a federally funded Corporation for Public Broadcasting, Congress would be setting up media that are not completely free. I believe that contributing to the growth of even a segment of news media not completely free would be an abridgement of freedom of speech.

The Corporation for Public Broadcasting will have a profound influence upon the American people, and I find it strange that our American liberals are not up in arms against the proposals in this bill. Anyone who truly lives liberty must oppose this bill.

That is what the distinguished senior Senator from South Carolina said in 1967. Of course, the CPB was instituted under a Democratic administration. Instead of taking the broad issue of principle espoused by Mr. THURMOND, our liberal friends took the narrow view. It is only recently that liberals such as John Roche have had the courage to agree with our colleague. The point is that, no matter what political party is in power, the other party will complain of bias.

Mr. President, the Senator from North Carolina wants to defer further to the senior Senator from South Carolina, because he went even further in 1967, and clearly identified the ideological problem that is plaguing us today. He spoke as follows:

Now I know that this bill has carefully excluded partisan politics from the programs of the Corporation for Public Broadcasting. Obviously, this is a wise move. American politics is not, however, composed only of partisan politics. We have ideological divisions as well. Nothing in this bill safeguards against the capture of the corporation by a small clique with definite ideological biases.

Moreover, the supposed independence of the corporation is called into question by the

language of subsection (A), which . . . authorizes the corporation "to obtain grants from and to make contracts with individuals and with private, State, and Federal agencies, organizations, and institutions." This clause could be used to develop and disseminate propaganda promoting the policies and programs of the Department of Health, Education and Welfare, Housing and Urban Development; Justice; Agriculture; Commerce; and so on. We would have propaganda designed to influence pending legislation, whether authorization or appropriation. I say to every one of my colleagues who values his independent judgment in assessing legislative proposals backed by government agencies that those who vote for this bill are voting for something that has a vast potential to be used against them.

Mr. President, the words uttered by the senior Senator from South Carolina could not have been more clear-sighted. The contract with PBS was negotiated under the subsection alluded to. The current dispute between CPB and PBS is precisely over who will control the so-called fourth network or interconnection. The Ford Foundation is using its enormous financial power under the same clause to pressurize for its concept of a strongly centralized network. And as for promoting Government programs, I cite, as the fairest example I can think of—because it is a program which I unreservedly admire and strongly support—last year's controversy over whether PBS would provide coverage for the Apollo 17 launch. Some people who are critical of the space program thought that such coverage might increase public support of the program. I think that the program deserves increased public support, but I certainly do not think that Federal funds, directly or indirectly, should be used to expose the public to coverage of Federal programs.

The problem, then, is to make sure that CPB, given the present situation, has the stability for long-range planning.

Now, Mr. President, I send to the desk an amendment in the nature of a substitute which would limit the authorization for the Corporation for Public Broadcasting for fiscal year 1974 to \$40 million for 1 year.

The PRESIDING OFFICER (Mr. SCORR of Virginia). The clerk will state the amendment.

The assistant legislative clerk read as follows:

Strike out everything after the enacting clause and insert in lieu thereof, the following:

That (a) Sect. 396 (k) (1) of the Communications Act of 1934 is amended to read as follows:

"(k) (1) There is authorized to be appropriated for expenses of the Corporation for the Fiscal Year ending June 30, 1974, the sum of "\$40,000,000."

(b) Sec. 396 (k) (2) of such act is amended by striking out "1973" and inserting in lieu thereof "1974".

Amend the title so as to read: "A bill to amend the Communications Act of 1934, to authorize appropriations for the Fiscal Year 1974 for the Corporation for Public Broadcasting."

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. BAKER. Do I correctly understand that now that the amendment in the nature of a substitute from the Senator from North Carolina (Mr. HELMS) has been reported, the remainder of his time will be charged against that amendment, pursuant to the previous unanimous-consent agreement?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Presiding Officer.

The PRESIDING OFFICER. There is 30 minutes on the amendment.

Mr. BAKER. Mr. President, may I inquire how much time I have remaining on the bill.

The PRESIDING OFFICER. The Senator from Tennessee has 14 minutes remaining.

Mr. BAKER. I thank the Presiding Officer.

Mr. HELMS. Mr. President, at the appropriate time, either this afternoon or preferably tomorrow, depending on the wishes of the leadership, I shall serve notice that I would like the yeas and nays on my amendment.

Mr. President, the Public Broadcasting Act of 1967 envisaged a system of strong, local noncommercial radio and television stations, reflecting the diversity of interests and needs of their respective communities. This system was to be funded in part by Federal tax dollars, subject to annual congressional appropriation until such time that the new, untried system was firmly established.

Last year, the Congress passed a 2-year, \$155 million authorization for the Corporation for Public Broadcasting. This was, by no means, a clear indication of congressional approval for long-term financing. The record reflects serious congressional reservations as to the degree to which the corporation and the stations had ironed out their problems. The President in recognizing these difficulties, particularly as evidenced in the 1972 congressional debate, vetoed the measure and asked the Congress to approve his budget request of \$45 million, a 30-percent increase over the preceding fiscal year.

For fiscal year 1974, the Senate Commerce Committee has approved S. 1090, a 2-year, \$140 million authorization. This represents a vast increase over the administration budget request of \$45 million, a 30-percent increase over the actual funding level for fiscal year 1973. Again, serious questions must be asked as regards to the structural problems of public broadcasting.

We must ask whether serious problems still exist.

Although the corporation has endorsed S. 1090, this does not point toward the resolution of many of the structural problems that have beset the system since 1967. For example, the centralization, "fourth network" issue, which has been a particularly significant point of concern, has not been rectified. The corporation and the newly recreated Public Broadcasting Service have not resolved their serious disagreements, not the least of which is the question of control of the interconnection, each claiming responsi-

bility for its operation. Nevertheless, as evidence of the corporation's sole responsibility for the interconnection, the Senate report on S. 1160, the Public Broadcasting Act of 1967, specifically stated on page 15:

(T)he committee was persuaded that Corporation needed this flexibility and discretion not to establish a fixed-schedule network operation but to take advantage of special or unusual opportunities that warrant the Corporation directly contracting for interconnection facilities. Even under these circumstances, however, it should be made clear that the decision to broadcast such a program remains with the local station. . . . It might wish to aid in the formation of a new organization or advisory group, including representatives of the local stations and the program suppliers, to handle day-to-day decisions on interconnection. *Whatever special administrative arrangements it makes in exercising its option, the Corporation must retain ultimate responsibility.*

That the corporation and PBS have failed to come to grips with this matter simply points up the inadvisability of long-term financing, even 2-year funding. Furthermore, the corporation presently is without its chairman who, on April 13, abruptly resigned. This leaves but no other effect than organizational disarray.

As to the methods by which the corporation makes program decisions, there is considerable cause for concern. During his appearance as CPB chairman before the Communications Subcommittee on March 28, Mr. Curtis, in response to questions regarding program selection methods, stated:

I don't know as Chairman how to go about it. . . . I don't know how shows get on. . . . Here we are being broadcast right now, and I don't know how that happened.

When, at the highest levels of CPB, there is no knowledge as to how program decisions are made, it must be concluded that serious structural problems within public broadcasting remain today. That Federal tax dollars to the amount of \$140 million for 2 years seriously can be considered at this point in time is a disservice to the corporation because it reduces the incentives to resolve their problems by removing the annual committee review process and providing vastly increased funding levels.

Funding for the Corporation for Public Broadcasting has increased sevenfold since its inception. In fiscal year 1969, the first Federal appropriation was \$5 million. Today, the funding level stands at \$35 million. My amendment proposed a healthy \$5 million increase for fiscal year 1974, raising the Federal amount to \$40 million. These increases represent continued support for public broadcasting and recognizes the excellence that public broadcasting has achieved in many of its endeavors. At the same time, my amendment recognizes many of the difficulties described above and proposes that the Communications Subcommittee annual review process be maintained until the system resolves its internal organizational problems.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER addressed the Chair.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is an amendment pending at this time?

The PRESIDING OFFICER. An amendment by the Senator from North Carolina is pending.

Mr. PASTORE. How much time has the Senator from North Carolina remaining, and how much time do I have?

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes remaining. The Senator from Rhode Island has 15 minutes. There is a total of 30 minutes on the amendment.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. I understood the Senator from North Carolina to say that he intended to ask for the yeas and nays on this amendment. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No request has been made for the yeas and nays.

Mr. HELMS. Mr. President, I ask unanimous consent that at the proper time the yeas and nays may be ordered.

The PRESIDING OFFICER. Is the Senator at this time asking for the yeas and nays?

Mr. HELMS. Yes.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, in response to the distinguished Senator from North Carolina, I point out that there has been an absolute misconception about public television and what it is supposed to do and what it is not supposed to do.

No one in this Chamber believes more in localization than I do. But the irony of it all is that down in the White House they talk about localization, and then they have the palace guards trying to run the country.

Mr. President, if this administration does not care for public television, they ought to stand up and say so and have the act repealed. But the fact still remains that if we are going to have public television—and we have approximately 234 stations today; we started out with only about 81 in 1962—it should be made to work.

In 1971, we put up approximately \$25 million. The actual amount that was raised and spent by the industry—I am talking about educational television and public television—was more than \$180 million, which means that the Federal Government only comes up with about 20 percent of the money.

Mr. President, with respect to the idea of 1 year or 2 years, let me read what Mr. Loomis said. He was selected by the corporation to run public television. This is what he said. This comes out of the mouth of a Republican, not a Democrat. With all this talk about who is running what, this is what he said:

The production of programs for presentation by local public broadcasting stations is, and should be a careful, time consuming process. It takes time to consult with 147

television licensees and 138 qualified radio stations on their program needs, to analyze and react to their recommendations and their proposals, to decide upon production centers, to negotiate for rights, to produce a pilot, to produce the final series, schedule and present them for use by the stations.

Here is the clincher:

Compressing their entire cycle into a single year means compromising on the quality of the final product. Series like BBC's "Henry VIII" and "Civilisation" cannot be planned and produced in one year. It took almost three years of research, planning, and development before the first "Sesame Street" series could be aired.

That is what Mr. Loomis said.

I am being guided by what they said. I had the officers and directors of the corporation before our committee, and I took them one by one. I asked them, "Are you for the 1 year or for the 2 years?" To the man and to the woman—there is one woman on the corporation—they all answered in the affirmative: "You need 2 years."

Now we come on the floor and we hear this gobbledygook about conservatism and liberalism. Perhaps some programs are liberal; perhaps some are conservative. Perhaps I do not like some liberal programs or some conservative programs. But the one thing that Dr. Killian told us when we formed this corporation was that he wanted the nose of Congress and the White House out of programing, and that is what we are trying to do. He left it up to the distinguished persons who have been appointed by President Nixon to decide for themselves what it ought to be, and I do not think they ought to be dictated to by us in the Senate, by the Members of the House, or by any individual in the White House.

That is what this all amounts to. If you want it, you can have it. If you do not want it, stand up and say so, and let us repeal the law. But do not emasculate it this way, because I say that unless we are going to have good public television, we should do without it entirely.

What I am doing here, as a Democrat, on this side of the aisle? I am just echoing what the Republican members of that corporation have said. Who is fighting me? The Republicans, on the other side; not all of them, because I tip my hat to a man like Senator Cook and a man like Senator BAKER, who can understand it.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PASTORE. I yield whatever time the Senator needs.

Mr. COOK. Mr. President, I want to echo most of the thoughts that the chairman has stated, because during the course of the hearings it became very obvious that we were subject to a great deal of rhetoric.

As the chairman well knows, and as I put in my separate views which are filed in the report, we find that those from the Office of Telecommunications testified before the committee that they really did not want what is commonly referred to as a fourth network, which is the interconnect and yet they were not willing to have a 2-year appropriation so that localism could be established. As the chairman pointed out "Sesame

Street" took 36 months to establish all the groundwork and research for the development of that program.

It is estimated that of all the major series series on television today the shortest period of time it takes to do the groundwork, to develop research and study, is a minimum of 18 months. What we are really seeing is an approach by those who wish to limit the appropriation to 1 year, saying we should have more localism and more creativity at the local station level, and that the interconnect should not become a fourth network, and it should not. Yet can we appropriate on a 1-year level? We could do no more than to make it an interconnect.

When the Senator from Rhode Island said that Mr. Loomis had said they did not want the nose of Congress in this, that is what Congress said when they established this in the first place. It was not that the president of the corporation said this. He was doing no more than echoing the debate when this was established in the first place. What do we see? We see something that Congress established, something that Congress created, and suddenly we see Congress trying to destroy the very thing that it established.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. PASTORE. I did not say that Mr. Loomis said that. I said Loomis said he needed 2 years. But the man who said he did not want the nose of Congress in this was Mr. Killian of the Carnegie Commission who made the recommendation in his report. He recommended it to Congress and then Congress echoed what Killian said.

Mr. COOK. I would say what we have here, Mr. President, is the accusation that the interconnect is, in essence, a network and because we cannot appropriate more than one year, it is essential it be that. There are many small public broadcasting stations throughout the country with one camera, no video tape equipment, and yet they cannot pick up anything, which they must do this to stay on the air. If they did not have the interconnect, some of them estimate, their network would be closed as much as 50 percent of the time.

Mr. President, if you are going to ask these stations to make this kind of investment, if you are going to ask them to establish localism, the only thing I can say is we have to either have an appropriation for more than 1 year or it will never happen.

We find by reason of this process the situation of a destroyer going through a mine field. On the one hand we hear Clay Whitehead say we need more localism; we cannot have another network; and yet we see them saying we should appropriate for only 1 year. If we appropriate for only 1 year the interconnect will be a network of necessity.

I hope this amendment does not succeed because if it does we should have hearings, not on whether we are going to appropriate for 1 year or 2 years, but whether we are going to repeal the act in its entirety.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. HELMS. The Senator from Kentucky and the Senator from Rhode Island know of my respect for them. I want to make clear two points. It is perfectly natural these people would want their appropriations for 2 years. It is less bother; they would not have to come up and be that accountable. The point that motivates me is that everything is in an uproar in this area. They cannot plan wisely for 2 years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOK. Can the Senator from Rhode Island.

Mr. PASTORE. Mr. President, how much time do I have? I am perfectly willing to yield.

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. COOK. Mr. President, is there any limitation?

The PRESIDING OFFICER. The limitation is 30 minutes.

Mr. PASTORE. If I have 7 minutes, I assign 5 minutes to the Senator from Kentucky.

Mr. COOK. I thank the Senator.

Mr. HELMS. I would be highly gratified if this appropriation process were settled before this question comes up again. I am not going to disagree with the philosophy of an appropriation for 2 years. I believe I am the only television executive in this body. I know the value of planning ahead, but I do not think that under existing circumstances we ought to give existing authority, the existing people, a 2 year appropriation. I simply say we should give a 1 year appropriation and then take a look at the situation the next time around.

Mr. COOK. I thank the Senator. I really want to get a point over, and I say this to the Senator from North Carolina—

Mr. PASTORE. Mr. President, we are not talking about an appropriation. The appropriation is still on a yearly basis. We are talking about an authorization.

Mr. COOK. Mr. President, that is correct. If I were convinced that we could get a 2-year appropriation, I would be delighted, somehow or other, to convince myself that the Senator from North Carolina let us. But let us look at what happened. We had the Chairman of the Public Broadcasting Corporation, who honestly tried to solve the problems, including public broadcasting, and the Community Broadcasting Board. But what happened? He worked himself to death to solve that problem. He found the Office of Telecommunications Policy in the White House actually calling everybody on the board that they ought to vote against the Chairman. As a result, the Chairman, appointed by the President of the United States, resigned his position. They went behind their own Chairman's back and defeated the agreement. We have no assurance that this will not be done again—none whatsoever. The only thing we are going to see is 40 million people in the United States who watch public broadcasting who will be spending another year watching reruns. We are certainly not going to estab-

lish creativity with that argument. In the first place, we want to establish it with the help of Congress, as the Chairman has so aptly put it.

However, 20 cents out of the public broadcasting dollar comes from the Federal Government with the rest coming from private sources. So I might say that if we find organizations throughout the United States which are actually sustaining 80 percent of the programming being totally and completely stymied, we reject the public broadcasting system, because of the 20 percent.

So that is where we are. If we are really going to consider seriously another 1-year appropriation, then let us pull this bill off the calendar. Let us go back to committee and determine whether public broadcasting in the United States is needed, because I believe we are at that juncture.

I close by saying that in this Senator's mind—there are Senators who may totally disagree with my reasoning—the interconnect will be unworkable if we continue the authorization on a 1-year basis.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. I yield 1 minute to the Senator from Kentucky.

Mr. COOK. The reason given was that stations throughout the United States, when they were properly equipped, could get service through the major national television laboratory, to be used for the purpose of submitting to viewers. If we want to get it back that way, we have to have more than a 1-year authorization; otherwise, the entire situation will be out sick. Therefore, I strongly oppose the amendment of the Senator from North Carolina. I must say that the hearings made it perfectly clear. We went right down the line to everybody, including everybody appointed by the President of the United States. They all made it perfectly clear that we must have a 2-year authorization.

I thank the Senator.

The PRESIDING OFFICER. All of the time of the Senator from Rhode Island has expired. The proponents have 5 minutes remaining.

Mr. BAKER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. On whose time?

Mr. BAKER. There is not any time left except mine. It is on the bill. There is no amendment pending.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Do I have 5 minutes remaining on the bill?

The PRESIDING OFFICER. The Senator has time remaining on the bill. The Senator has 14 minutes remaining on the bill.

Mr. BAKER. I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, the amendment offered by the distinguished Senator from North Carolina is one that I will not support. However, I would point out that I supported a similar

measure last year after a bill was reported from our committee against which I fought very hard, and which was vetoed, and which I recommended to the President be vetoed. We ended up with a 1-year authorization. I voted for it at that time. Therefore, I cannot be critical of the Senator from North Carolina, and I am not.

I would point out, however, at this juncture I think we need a 2-year authorization at these funding levels, and I intend to support that authorization.

I make this final recommendation, and I hope I have the attention of the subcommittee chairman and the chairman of the full Commerce Committee: While I vote for the 2-year authorization this year at these funding levels, I think the problem is not over and we still have some deep philosophic soul-searching to do about the future of public broadcasting. I wanted to make that addendum as to my personal purposes, so that my vote against the Helm's amendment is not misunderstood.

I reserve the remainder of my time.

Mr. PASTORE. Mr. President, I ask for a short quorum, not to be taken of the time of either side, because the Senator from North Carolina (Mr. HELMS) is not on the floor. I think it is his turn now.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina has 5 minutes remaining on his amendment.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina having yielded back his time, all time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from North Carolina. On the question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. NUNN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), the Senator from North Dakota (Mr. BURDICK), and the Senator from Nevada (Mr. CANNON) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Utah (Mr. MOSS), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senators from New York (Mr. BUCKLEY and Mr. JAVIRS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Nebraska (Mr. HRUSKA), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senators from Ohio (Mr. SAXBE and Mr. TAFT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 12, nays 62, as follows:

[No. 118 Leg.]

YEAS—12

Allen	Curtis	Scott, Va.
Bartlett	Fannin	Thurmond
Bellmon	Hansen	Young
Byrd,	Helms	
Harry F., Jr.	McClure	

NAYS—62

Abourezk	Griffin	McIntyre
Aiken	Hart	Metcalf
Baker	Hartke	Montoya
Borah	Haskell	Muskie
Brown	Hatfield	Nelson
Brooke	Hathaway	Packwood
Byrd, Robert C.	Hollings	Pastore
Case	Huddleston	Pearson
Chiles	Hughes	Pell
Church	Humphrey	Proxmire
Clark	Inouye	Randolph
Cook	Jackson	Schweiker
Cotton	Johnston	Scott, Pa.
Cranston	Kennedy	Stafford
Dole	Long	Stevenson
Domink	Magnuson	Symington
Eagleton	Mansfield	Talmadge
Ervin	Mathias	Tower
Fong	McClellan	Tunney
Gravel	McGee	Weicker
	McGovern	

NOT VOTING—26

Bayh	Fulbright	Ribicoff
Bennett	Goldwater	Roth
Bentsen	Gurney	Saxbe
Brock	Hruska	Sparkman
Buckley	Javits	Stennis
Burdick	Mondale	Stevens
Cannon	Moss	Taft
Domenic	Nunn	Williams
Eastland	Percy	

So Mr. HELMS' amendment was rejected.

Mr. HART. Mr. President, while public and press attention have been absorbed by the Watergate transgressions, the administration is quietly doing violence to another of our basic institutions, namely, the first amendment. I refer to White House interference with public broadcasting and specifically to emasculation of public affairs broadcasts on public broadcasting.

We were all put on notice—if we had not already read between the lines—by a television program on March 22, 1973. On the Dick Cavett show of that date, one of the panelists was Patrick Buchanan, Special Consultant to the President. The conversation went this way, I quote:

CAVETT: You were going to explain what happened to public television.

BUCHANAN: Right. Now, last year the Administration proposed an increase of \$10 million in the budget for Public Educational Television, from \$35 million to \$45 million. It got down on Capitol Hill and the fellows in Public Television went to work and they elevated that up to \$165,000—\$165 million, I'm sorry, for two years. Now, when that came down to the White House, we took a look at

that, and we also looked at the situation over there, I did personally, I had a hand in drafting the veto message; and if you'll look at Public Television you find you've got Sander Vanocur and Robin MacNeil, the first of whom, Sander Vanocur, is a notorious Kennedy sycophant, in my judgment, and Robin MacNeil, who is anti-Administration you have the Elizabeth Drew Show on, which is anti—she, personally, is definitely not pro-Administration, I would say anti-Administration, "Washington Week in Review" is unbalanced against us you have "Black Journal" which is unbalanced against us . . . (laughter) . . . you have Bill Moyers, which is unbalanced against the Administration. And then for a fig leaf they throw in William F. Buckley's Program. So they sent down there a \$165 million package, voted 82 to 1 out of the Senate, thinking that Richard Nixon would therefore—he would have to sign it, he couldn't possibly have the courage to veto something like that. And Mr. Nixon, I'm delighted to say, hit that ball about four hundred and fifty feet down the rightfield foul line right into the stands; and now you've got a different situation in Public Television. You've got a new board on CPB, you've got a new awareness that people are concerned about balance. And all this Administration has ever asked for on that, or on network television, frankly, is a fair shake.

Thereafter, the Corporation for Public Broadcasting, which is supposed to be independent from White House or congressional influence, terminated precisely those programs named by Mr. Buchanan.

During the excellent hearings conducted by the Communications Subcommittee Chairman, Senator PASTORE, this matter was explored with the new Chairman of the Corporation for Public Broadcasting, former Congressman Thomas B. Curtis. While Mr. Curtis could not explain how the decision was made to drop the programs named by Mr. Buchanan as "anti-administration," he assured the committee that in the future he would resist outside influence and maintain the independence of the Corporation for Public Broadcasting intended by Congress when it passed the Public Broadcasting Act.

So what happened? While the Commerce Committee was in the very act of voting to report the legislation before us, extending the public broadcasting authorization, the White House again launched an assault on the independence of the CPB. It persuaded a majority of the members to reject an agreement laboriously worked out over a period of 3 months by representatives of the stations and the CPB, setting up procedures for handling any future differences. Whereupon, Mr. Curtis—unable longer to defend the independence of the CPB—resigned.

Mr. President, I believe my colleagues here in the Senate and the Members of the House who are yet to consider this legislation should have "on the record" the comments of Mr. Curtis in resigning. This is not the outburst of an "elitist plugola" to quote Dr. Clay Whitehead. It is the concern of a nationally respected Republican from Missouri who served 18 years in the House.

Mr. President, the Nation needs public broadcasting, and I fully support the bill before us today. But the Nation needs a public broadcasting service which is not limited to children's programs, ballet and French cooking lessons. We need a public broadcasting system which of-

fers public affairs programs that will help the American people analyze and understand the public issues, the political issues. And this cannot be the case if every program considered "anti-administration" in Mr. Buchanan's eyes is forced off the air.

This is a very serious matter, Mr. President, and I am confident it will be thoroughly explored when hearings on this legislation are held in the House.

I ask unanimous consent to insert in the RECORD at this point the public statement of the President of Station WGBH, Boston, expressing concern that the Executive may be trying to take over control of public television to its own ends; the New York Times editorial of April 19, 1973, "Stifling Public TV"; the New York Times article of April 24, 1973 "Tampering Cited in Public-TV role", and an article from Congressional Quarterly of April 21, 1973, "A 'Very, Very Upset' Tom Curtis resigns from CPB."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 26, 1973.

PUBLIC STATEMENT BY DAVID O. IVES,
PRESIDENT, WGBH BOSTON

We at WGBH have grown increasingly worried about signs that the Executive Branch of the Federal Government may be trying to take over control of Public Television for its own ends.

The first sign was the attack on the developing shape of our system, delivered in Miami a year and a half ago by Clay Whitehead of the White House Office of Telecommunications Policy. That was followed last summer by President Nixon's veto of the bill that would have substantially increased federal funds for public broadcasting. That forced the resignation of John Macy, first President of the Corporation for Public Broadcasting. His place was taken by Henry Loomis, and new persons were appointed to the Board of the Corporation, including Thomas B. Curtis, who became chairman, all of whom were said to be "Nixon men." Rumors and reports proliferated that the White House didn't like certain public affairs programs then being shown on Public Television, and they were followed by the failure of the Corporation Board to renew funding of several such programs for next season. In January the Board resolved to take back from the Public Broadcasting Service full control of funding, review, and network scheduling of national programs. Then on April 13, the Board failed to accept (instead, they deferred action) the compromise on program control which Corporation and PBS representatives had previously hammered out together.

Now the latest, and most worrisome, sign of all was the interview given to The New York Times on April 23 by Mr. Curtis, who said he resigned as Chairman because he felt he could no longer defend the integrity of the Corporation Board. That integrity had been tampered with, he charged, because someone in the Administration, on the very eve of the April 13 meeting, had telephoned several members of the Board in order to influence their votes on the proposed compromise. Mr. Curtis charged that this was improper interference, and that it was "contrary to what I had understood the White House had agreed to do—namely, keep hands off."

On April 26, the Times printed a denial of the Curtis charges by three other members of the Corporation Board and by a spokesman for Clay Whitehead, from whose office the calls were presumed to have come. Mr. Curtis' allegations were called "a phoney

issue," "outrageous," and "totally ridiculous."

Ever since the Curtis interview appeared, we have been trying to find out just what communication took place between persons in the Administration and persons in the Corporation for Public Broadcasting. If such communication constituted an improper attempt to exert political influence on Public Television, that would have the gravest implications for WGBH and for all the stations in the system.

We have learned that, unquestionably, many contacts have been made in recent weeks and months between White House officials and the Corporation—sometimes with Board members, sometimes with staff members.

But that still leaves the question: Were those contacts improper? Did they exceed the bounds of what one can reasonably sanction as necessary in the Corporation's relations with one of the two branches of the Federal Government on which it depends for its funds? Can those contacts be fairly construed as breaches in the integrity of the Corporation and thus of WGBH and any other recipient of Corporation grants?

The explanation given for those contacts by everyone who has spoken out except Mr. Curtis, is that they were nothing more or less than the kind of exchanges in which any entity that is funded by the annual appropriations process must engage. That, of course, begs the basic issue, which was raised over five years ago when Congress and the President first created the Corporation for Public Broadcasting. It was argued then, and it has been argued ever since, but never remedied in the law, that as long as Public Television has to rely on annual appropriations for its funds, it will remain dangerously susceptible to political interference in its programming and other activities.

Congress tried, in 1967, to insulate the Corporation to some extent by designating it as private and nongovernmental. But as long as it is deprived of secure, long-term financing, the Corporation, like it or not, must act in some respects like a government agency. It must deal with the White House in the attempt to put the level of funds it needs into the President's annual budget. It must get Congress to authorize and then to appropriate those funds. And it must get the President's signature on that funding legislation. At the same time, the Corporation must satisfy all the local Public Television stations, in whose interest it was created, that the funds will be used in ways they approve.

As a consequence, the Corporation sees itself in a three-cornered negotiation—with the White House, the Congress, and the stations. Unless all parties can be accommodated, as the Corporation views it, there might well be no federal funding at all for Public Television. In this light, what one person may regard as "improper communication," another will think of as part of the bargaining process on the way to a successful appropriation. The important consideration, in this view, is not the fact of the bargaining, but what indeed is gained or lost in the process. Underlying that view is the sense there should be some things that will never be bargained away, or even permitted to be raised in the bargaining process, no matter what the eventual cost of a Presidential veto or a defeat in Congress.

The dangers of such a funding route for Public Television are now apparent to everyone. If the Corporation "bargains" with the Administration about its relationship with the stations or with their organization, the Public Broadcasting Service (PBS), what then prevents the Corporation from "bargaining" with the Administration about which programs to fund and which not to fund, about which programs to send out on the interconnection system and which to withhold? And if the White House influence is exerted at appropriations time, how are

the stations, and how is the public, to know that it is not also being exerted at other times?

The threatening signs have become so persistent, we believe the Board of the Corporation of Public Broadcasting must respond in an open and forceful way. We call on the Board to declare publicly just what their rules are for dealing with the Executive branch. How far will they go in private discussions of the Corporation's business with the White House—or with Congress, for that matter? What will they talk about, and what will they refuse to talk about? Where will they draw the line, saying beyond this limit they will not permit a political interest?

We want, in particular, the absolute assurance that the Corporation will never permit their discussions with the White House or the Congress to include any bargaining for or against particular programs, be they in the area of public affairs or in any other area. We accept that the Corporation must engage in talks on its general funding requirements, but we most emphatically reject the possibility that it must bargain away certain programs in order to get its appropriation.

At all times, there is a vital decision of principle facing every Public Television station. Speaking now only for WGBH, we say frankly that we were so distressed by Mr. Curtis' charges that over several days we have earnestly considered refusing any further grant to WGBH from the Corporation until the Corporation could establish its integrity and independence of action in a way we call could accept.

We are not taking that step at this moment. Our inquiries have satisfied us that despite all the signs to the contrary, there is still a commitment to independence represented in the active membership of the Corporation Board—a commitment still strong enough to deserve a further chance at resolving the issues of control over Public Television.

We recognize, furthermore, that we at WGBH have never to-date received, much less had to respond to, a single suggestion that any one of the programs we produce—not even the most controversial—be produced in any way other than we intended. We would have spotted such a suggestion instantly, since we are second to no one, we believe, in our sensitivity to any outside influence on our program judgments.

But we do urge the Board of the Corporation to clear the air. We urge them to recognize that an atmosphere of deep suspicion and mistrust of government pervades the country today. We urge them to help dispel that atmosphere, at least as it affects Public Television, so we can get on with our work. Again, the first step to achieving that, we propose, is that the Board speak out precisely on the issue of what it will, and what it will not, permit even to be talked about in its private contacts with the Executive and Legislative branches of the Federal Government.

Finally, we at WGBH declare we shall be continuously alert to the possibility that improper influence may be brought to bear on the Corporation and therefore, inevitably, on WGBH. Should we become convinced it has occurred, we will not hesitate to refuse Corporation grants to WGBH, even if that means dismantling a large part of our activities. Should that day ever come, we put the Corporation Board on notice that we will make our decision public in the strongest terms.

[From the New York Times, Apr. 19, 1973]

STIFLING PUBLIC TV

The resignation of Thomas B. Curtis as chairman of the Corporation for Public Broadcasting constitutes signal that public affairs programming may be close to extinction in noncommercial television. Mr. Curtis, a former Republican Congressman from Missouri, was named to the C.P.B. board last year

by President Nixon. From the start the Administration, with Clay T. Whitehead, director of the Office of Telecommunications Policy, as spearhead, put growing pressure on him to eliminate any transmission of public affairs programs via the public Broadcasting System network. Mr. Curtis met this pressure by laboring patiently to put together a workable, moderate compromise.

The proposal that emerged would have given the network and the corporation an equal voice in determining whether or not a controversial program would be transmitted on the F.B.S. interconnection. Under the plan the board chairmen of the licensed local public television stations would have the right of decisions on whether to avail themselves of any network presentations. However, there was to be no prior restraint on the production of any program by the public network.

Even that minimal protection of the system's basic freedom appears to have been too much for the Administration's arbiters of public enlightenment. Although Mr. Curtis had every reason by last week to believe that the compromise would be approved by the C.P.B. board, the Administration's hardliners, again led by Mr. Whitehead, engaged in frantic last-minute lobbying to block it. The meeting that was to ratify the Curtis compromise turned into a rout of the moderates and a repudiation of Mr. Curtis.

The Administration's record on public broadcasting is a chronicle of double-talk. When Mr. Nixon vetoed the public broadcasting appropriations bill last year, he characterized P.B.S. as excessively centralized. But with its latest coup, the Administration has, in effect, let it be known that its goal is not a decentralized Public Broadcasting System, but one that is submissive to the will—and thus be disguised central control—of the Office of Telecommunications.

"TAMPERING" CITED IN PUBLIC-TV ROLE

(By McCandlish Phillips)

CHICAGO, April 23.—Thomas B. Curtis, chairman of the Corporation for Public Broadcasting until he resigned abruptly a week ago, said today that the White House had "tampered with" the independent board, in express contradiction to assurances that he had received.

In a two-hour interview with The New York Times in his office here, Mr. Curtis made his first comments since his resignation, explaining that in his view the integrity of the board had been threatened by White House interference.

Mr. Curtis said it was now imperative that the board "reassert its independence and integrity" by devising procedures that would effectively insulate it from political pressures.

"I had the clear understanding that the President wanted us to so set up the Corporation for Public Broadcasting that public broadcasting could not be made a propaganda arm for the Nixon Administration or for any succeeding administration," the Republican appointee said.

Mr. Curtis said he had responded to that assurance by seeking to establish procedures by which "the whole Congress and the public" would have full confidence in the independence of the board.

"You can see what happens when officials in the White House constantly talk to members of the board, calling them privately and interfering with the process" of deliberation, he said.

Mr. Curtis continued:

"When it became clear that the White House was not respecting the integrity of the board, then I couldn't defend the integrity of the board the way I had."

"This board has been under very severe attack in the news media for the past 5 months, with people saying that it was in-

volved in a 'Nixon takeover,' and I have defended it vigorously—and I underscore vigorously.

"I don't believe I could defend the board with that kind of vigor any more. When I felt I could no longer do that, I felt I better resign."

At no point in his lengthy analysis did Mr. Curtis name the individuals who had allegedly interfered with the deliberations of the board, saying that he was determined to discuss an important public issue and refrain from referring to personalities.

WHITEHEAD IS NAMED

His sole reference to an individual by name was in a side reference to Clay T. Whitehead, director of the White House Office of Telecommunications Policy.

"I asked Mr. Whitehead, when he testified (before the Pastore Committee) to state that the White House respected the integrity of the board and felt that it was essential to maintain it, and I thought he would, but he didn't," he said.

Mr. Curtis ventured that President Nixon's "ideas about this have been shot down by people in the White House who don't understand the basic importance of why this board has to act independently."

His resignation on April 14 came in the wake of a decision by the board, by a 10-4 vote to defer action on a carefully worked-out compromise plan determining the operating structure of public broadcasting.

The plan was designed to adjust relations between the Corporation for Public Broadcasting, created by Congress to oversee public television, and the country's 233 public television stations. It would have assured that the stations would retain a large measure of control in public television's national programming.

"I was surprised," Mr. Curtis said, "I thought the board would agree to the plan, and I still think the members were ready to when the White House interposed. I felt that the board had been tampered with, and I told the board that. I sent the President a copy of my letter."

"KEEP HANDS OFF"

The compromise plan, far from being the sole viable solution, was just one of many possible plans that might have worked, he said.

"It wasn't the deferral that disturbed me, it was the fact of interference," Mr. Curtis explained. "That was contrary to what I had understood the White House had agreed to—namely, keep hands off."

Mr. Curtis said that calls had been made to board members up to the very eve of the meeting on the compromise plan. "Four of the members told me they had been called, and two of them resented it," he said.

"I think the calls were primarily to shoot down the compromise," he asserted. "When a decision is about to be made, that's when they shouldn't be messing around."

"You don't interfere even by making phone calls. This kind of communication is improper."

His manner throughout the interview was good-humored, relaxed, plainspoken. "I'm not angry at anybody," the former Missouri Representative said. "I was there trying to do a job, and if I cannot defend the board as I did, I'm not useful any more."

"My aim was the integrity of the board. That was the sine qua non."

Mr. Curtis said that Congress had acted to create what it regarded as "an independent, nongovernmental corporation." The keys to it, he said, are a six-year term for board members, "thereby exceeding the term of office of the President," and staggered terms, so that no President could appoint a majority to the board in a single term of office.

He likened the position of the C.P.B. in the Government to such regulatory agencies

as the Federal Trade Commission and the Federal Communications Commission. "They are arms of the Congress, not of the Executive," he said.

Congress ruled that "no more than 8 of the 15 board members of the corporation be of the same political party, and it required that the board itself elect its own chairman," Mr. Curtis pointed out. That, he said, showed Congress's intent.

Mr. Curtis said that "most of these agencies have developed procedures which insulate them against political pressures of the Executive, and this board should be doing the same thing."

"Unless this board reasserts its independence and integrity," he continued, "and all groups respect this, I don't think the Congress will go along with having the Government in public broadcasting, because then you don't have it insulated against normal political pressures."

"All that's happened here is that the Executive has tried to get its opinion into the board—it isn't necessary a takeover—but there's a proper way to go about it: Write a letter and make the letter public, not going behind closed doors and saying God only knows what talking to one commissioner at one time, to one at another time."

Mr. Curtis said the C.P.B. must "adopt firm rules" and deliberate decisions on the basis of "facts and fair arguments." "The way you deliberate is by letting everybody hear the same thing in a common forum," he said.

[From the Congressional Quarterly, Apr. 21 1973]

A "VERY, VERY UPSET" TOM CURTIS RESIGNS FROM CPB

Thomas B. Curtis, the board chairman of the Corporation for Public Broadcasting (CPB), resigned April 13 after a majority of the board refused to accept a compromise plan he had recommended. The proposal would have returned some control of public television programming to the local stations and cleared the way for selection of privately funded 1973-74 public television shows.

Curtis had been appointed to the CPB post by President Nixon in July 1972; his resignation was announced by the White House April 18.

A former member of Congress from Missouri, Curtis had assured a negotiating group representing 147 station managers that the board would accept a compromise giving the stations control of scheduling programs on the Public Broadcasting Service (PBS) and the authority to telecast programs that were privately financed.

Curtis was reported to have been "very, very upset" after the board decided to "defer action" on the agreement reached by PBS and a corporation committee. But, prior to the board's vote, Curtis had been warned, according to one board member, "not to make any commitments to PBS . . . because the majority of the 15-member board was not in agreement with his views," the Wall Street Journal reported April 18.

POWER CLASH

Congress created the corporation in 1967 to funnel federal funds to non-commercial radio and television stations throughout the country. PBS was incorporated by CPB in 1969 and until 1973, selected, scheduled and promoted public TV shows. (1967 Almanac p. 1042).

The clash between the two organizations stemmed from a Jan. 10 announcement by the corporation that it would absorb most of the functions of PBS, leaving the service to provide technical services necessary for operating the public television interconnection (network).

The station licensees, however, decided to fight that decision. Under the leadership of Ralph Rogers, a Dallas industrialist and

broadcasting executive, PBS was reorganized and began discussions with Curtis and a three-member CPB panel.

The board's April 13 decision reportedly followed a telephone campaign by White House staff members, including Clay T. Whitehead, director of the administration's Office of Telecommunications Policy, who opposed returning programming power to PBS because of administration dissatisfaction with some public affairs programs PBS had scheduled.

WHITEHEAD

The debate over public broadcasting actually began in October 1971 when Whitehead charged that the public TV industry had wandered from the role Congress had originally intended it, evolving instead into a "fourth national network."

Testifying before the Senate Communications Subcommittee March 29 on a long-range financing bill for public television—another issue in the controversy—Whitehead, who once supported such a plan, recommended that Congress fund the corporation on an annual basis until the "basic problems" of non-commercial radio and television were resolved. (Hearings, Weekly Report p. 787).

Whitehead singled out public affairs programming as an example of the "serious deficiencies" in public broadcasting. CPB's reliance on federal funds to support public affairs was "inappropriate and potentially dangerous," he charged, "especially in view of the tendency to centralize production in New York and Washington."

In January, the CPB board voted against funding several public affairs programs, including "Bill Moyers' Journal" and William F. Buckley's "Firing Line."

Although Curtis supported the cuts, he told Congressional Quarterly in a March 1 interview: "There are people in the White House who feel that you can't do public affairs objectively and with balance and therefore (they would) throw the baby out with the bathwater. And there are people in Congress who say that. . . I happen to think that one can argue strongly for a point of view and do it with objectivity and balance." (Text of interview, Weekly Report p. 591)

Rogers, Taking aim at the reorganized PBS group, Whitehead suggested that the way to strengthen the local stations was to give broadcasters a realistic choice in deciding whether to televise any CPB-supported or distributed programs. But, he said, this could not be accomplished if the stations were represented by some organization that makes program decisions.

Whitehead's proposal, Rogers said during the Senate hearings, "is in complete opposition to what everyone is advocating." Rogers added that he refused to believe the President or Congress would subscribe to such a recommendation. "I guarantee to you that the stations will not."

Earlier, Rogers outlined the compromise agreement that PBS had negotiated with CPB, which the board rejected April 13. Under the terms of the plan:

Local broadcasters would have remained in control of scheduling on PBS.

CPB would have had final say on how federal funds were spent for programming.

The licensees would have had access to the network for programs privately funded.

To meet the 1967 public broadcasting act's requirements that programs of a controversial nature must be balanced and objective, Rogers explained that agreement had been reached between the negotiating panels to create a "monitoring committee," which would determine whether programs that were challenged violated the law on the question of balance and objectivity. Both CPB and PBS would have had a three-member monitoring team, and a 4-2 vote would have been necessary to kill a contested program.

Mr. PELL. Mr. President, the bill now before us, S. 1090, represents a positive step toward aiding the fledgling public broadcasting system in our country. I strongly support the bill, for it will provide increased funds to the Corporation for Public Broadcasting to continue providing stimulating and innovative programming on a national level.

I am particularly pleased at the level of support proposed in this bill for the Corporation on Public Broadcasting because of the clear commitment made by the Corporation to broadcasting programs on both the arts and humanities. In that connection, Mr. President, I am especially pleased that both the National Endowment on the Arts and the National Endowment for the Humanities have become partners with public television in funding programs of outstanding quality.

Another facet of the measure before us will be of particular benefit to my own State and that of my senior colleague, the distinguished floor manager of the bill. That is the extension of the authorization for improving broadcasting facilities of individual education stations across the country.

In Rhode Island we have one educational station, WSBE-TV, channel 36. At present this station broadcasts from makeshift facilities located on the campus of Rhode Island College. I am pleased to have learned that the station plans to move to more adequate facilities in the city of Providence and I am also pleased that our general assembly in Rhode Island just last week approved funds for WSBE-TV that will make such a move to new facilities possible.

Mr. President, the station plans to apply during fiscal 1974 for Federal lands under the Educational Television Facilities Act to acquire cameras and allied equipment to use at its new location. The Federal funds could total as much as \$300,000 and I believe that this legislation is farsighted in authorizing \$25 million a year for aiding such local stations as channel 36.

I would hope, Mr. President, that the Appropriations Committees of both parties and the administration will see fit to fund this program at a suitable level so that such deserving projects as that at WSBE-TV can be supported.

Finally, I wish to commend my senior colleague, the chairman of the Subcommittee of Communications of the Committee on Commerce, for his outstanding leadership in guiding this measure to the floor and generally for his long record of concern for quality broadcasting on all levels in this Nation.

Mr. HUMPHREY. Mr. President, since the first educational television station went on the air in May of 1953, Congress has steadily supported the growth of noncommercial broadcasting. In 1962 the Congress passed the Educational Television Facilities Act to provide grants for the construction and expansion of educational television systems. And, in 1967, Congress passed the Public Broadcasting Act, which created the Corporation for Public Broadcasting and gave it four main responsibilities:

First, to assisting the development of high-quality programs for public television and radio.

Second, to develop interconnections among and between various educational and public television stations.

Third, to assisting the establishment and development of one or more systems of public broadcasting.

Fourth, to assure the maximum freedom of noncommercial education broadcasting systems and stations from interference with or control over program content.

In designing the Corporation for Public Broadcasting the Congress deliberately attempted to insulate it from Government interference. Neither the White House nor the Congress was to have control over the programming.

In no way was public television supposed to become another arm of a Government propaganda machine or simply another commercial-type system.

The emphasis was to be educational—to develop those programs of high quality that would be interpretive, that would add to the educational enrichment of Americans.

Part of this educational mission, Mr. President, has been the development of public affairs programming. In the legislative history of the Public Broadcasting Act, there are clear references to the need for public affairs programs; not simply news programs, not a duplication of the commercial networks, but a public affairs programming that is interpretive, illustrative, and an addition to depth of public understanding and education about events, people, and circumstances.

It goes without saying that such programs have a need to objective, fair, and balance in these presentations.

It is my judgment that public affairs programming has been fair, balanced, and objective. I question sometimes whether or not the public affairs programs have served their educational mission; but I do not question the sincere professionalism of probing, asking, and interpreting in the drive for first-rate, balanced journalism.

Lately, however, Mr. President, I have become aware, as I know other Senators have, of what smacks so much of a concerted attempt by those in the executive branch to cut the heart out of public affairs broadcasting. It seems that the Nixon administration, or at least some officials within the administration, believes that public affairs broadcasting is biased against the administration—and for that reason, must be curtailed, eliminated, and dropped from the public airwaves.

Mr. President, I deplore any attempt by the executive branch to interfere, or threaten those who operate under the first amendment freedom of this country.

We must resist all attempts to remake the airwaves into propaganda arms for any branch of government. Our freedoms are too precious, and a free press is too essential to our democratic well being to do anything less.

Mr. President, two programs that seem to be caught in the cross fire between the Corporation for Public Broadcasting, the White House, and the Public Broadcasting System are "Elizabeth Drew's Thirty Minutes With . . . and William Buckley's "Firing Line".

I would hope, Mr. President, that there might be accommodations reached that would permit the continuance of these two programs. And, I want to say that I believe both are educational, both are respected programs.

These are not simply talk shows, designed to elicit interesting comments from guests. These shows are much different. Both Miss Drew and Mr. Buckley probe their guest's thinking, reasoning, and assertions. They want to know the "why" of decisions or the "why" of reasoning.

Both shows are designed to explore public topics in a way few commercial news programs can—with follow up—not just to get a guest's additional comments but to analyze those comments, to have the guest explain those comments, and in so doing to enlighten the public in an educational sense, not merely in an awareness sense.

Yet, I have read that for some reason these two programs along with other public affairs type programs are being canceled—not, as I understand it because of a failing in the concept of the programs—but more because of interference of persons outside the public television system who have decided that these programs do not meet standards of fairness and balance.

Mr. President, I would hope that this interference with public television, as reported in our newspapers, would cease and cease immediately.

And, Mr. President, I would hope that the legislation before the Senate today will pass with a strong vote of confidence for public television. The legislation provides a 2-year authorization for the Corporation for Public Broadcasting. I support this 2-year authorization. Such a time frame would give the Corporation opportunity to fully plan programs, not subject to the fear of running out of money or the hazards of single year authorizations.

Mr. President, I urge the Senate to adopt this legislation, and I ask unanimous consent that an editorial from the New York Times, "Stifling Public TV," an article from the New York Times, "Tampering Cited in Public TV Role," and a article by John Carmody of the Washington Post, "A Funding Compromise?" all detailing the most recent lineup of the various programs that will be funded by the Corporation, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 19, 1973]

STIFLING PUBLIC TV

The resignation of Thomas B. Curtis as chairman of the Corporation for Public Broadcasting constitutes a signal that public affairs programming may be close to extinction in noncommercial television. Mr. Curtis, a former Republican Congressman from Missouri, was named to the C.P.B. board last year by President Nixon. From the start the Administration, with Clay T. Whitehead, director of the Office of Telecommunications Policy, as spearhead, put growing pressure on him to eliminate any transmission of public affairs programs via the Public Broadcasting Service network. Mr. Curtis met this pressure by laboring patiently to put together a workable, moderate compromise.

The proposal that emerged would have given the network and the corporation an equal voice in determining whether or not a controversial program would be transmitted on the P.B.S. interconnection. Under the plan the board chairmen of the licensed local public television stations would have the right of decisions on whether to avail themselves of any network presentations. However, there was to be no prior restraint on the production of any program by the public network.

Even that minimal protection of the system's basic freedom appears to have been too much for the Administration's arbiters of public enlightenment. Although Mr. Curtis had every reason by last week to believe that the compromise would be approved by the C.P.B. board, the Administration's hardliners, again led by Mr. Whitehead, engaged in frantic last-minute lobbying to block it. The meeting that was to ratify the Curtis compromise turned into a rout of the moderates and a repudiation of Mr. Curtis.

The Administration's record on public broadcasting is a chronicle of double-talk. When Mr. Nixon vetoed the public broadcasting appropriations bill last year, he characterized P.B.S. as excessively centralized. But with its latest coup, the Administration has, in effect, let it be known that its goal is not a decentralized Public Broadcasting Service but one that is submissive to the White House and thus the disguised central control—of the Office of Telecommunications.

"TAMPERING" CITED IN PUBLIC-TV ROLE

(By McCandlish Phillips)

CHICAGO, April 23.—Thomas B. Curtis, chairman of the Corporation for Public Broadcasting until he resigned abruptly a week ago, said today that the White House had "tampered with" the independent board, in express contradiction to assurances that he had received.

In a two-hour interview with The New York Times in his office here, Mr. Curtis made his first comments since his resignation, explaining that in his view the integrity of the board had been threatened by White House interference.

Mr. Curtis said it was now imperative that the board "reassert its independence and integrity" by devising procedures that would effectively insulate it from political pressures.

"I had the clear understanding that the President wanted us to set up the Corporation for Public Broadcasting that public broadcasting could not be made a propaganda arm for the Nixon Administration or for any succeeding administration," the Republican appointee said.

Mr. Curtis said he had responded to that assurance by seeking to establish procedures by which "the whole Congress and the public" would have full confidence in the independence of the board.

"You can see what happens when officials in the White House constantly talk to members of the board, calling them privately and interfering with the process" of deliberation, he said.

Mr. Curtis continued:

"When it became clear that the White House was not respecting the integrity of the board, then I couldn't defend the integrity of the board the way I had.

"This board has been under very severe attack in the news media for the past 5 months, with people saying that it was involved in a 'Nixon takeover,' and I have defended it vigorously—and I underscore vigorously.

"I don't believe I could defend the board with that kind of vigor any more. When I felt I could no longer do that, I felt I better resign."

At no point in his lengthy analysis did Mr. Curtis name the individuals who had allegedly interfered with the deliberations of

the board, saying that he was determined to discuss an important public issue and refrain from referring to personalities.

WHITEHEAD IS NAMED

His sole reference to an individual by name was in a side reference to Clay T. Whitehead, director of the White House Office of Telecommunications Policy.

"I asked Mr. Whitehead, when he testified [before the Pastore Committee] to state that the White House respected the integrity of the board and felt that it was essential to maintain it, and I thought he would, but he didn't," he said.

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INDEPENDENT PUBLIC-TV ADVOCATE—THOMAS BRADFORD CURTIS

(By Lawrence Van Gelder)

"People say that I am a good advocate," Thomas Bradford Curtis observed the other day. "If that is so, it is because I advocate what I believe in." Yesterday, the round-faced, baldish, 62-year-old former United States Representative was advocating a reassertion of its "independence and integrity" by the Corporation for Public Broadcasting. On April 14, M. Curtis, a lifelong Republican, resigned abruptly from the corporation's board, and yesterday he accused the White House of tampering with the 15-member board appointed by the President to oversee public broadcasting.

In a way, it seemed natural that distaste for what he regards as tampering should impel Mr. Curtis to dramatic action. It was distaste for Democratic political bossism rampant in Kansas City and St. Louis that launched him into Republican politics before World War II, despite the fact that he came from a traditionally Democratic family.

IN HOUSE 48 YEARS

Referring to rule by bosses, he said, "It just didn't strike me as being very good." During his Congressional career, he was to lash out at President Lyndon B. Johnson for "using wheeling and dealing tactics rather than appeals to reason to get measures enacted."

Mr. Curtis was elected to the House in 1950 from a largely Democratic district in his native Missouri and served for 18 years, until he was defeated in 1968 in a campaign for a Senate seat that pitted him against Thomas F. Eagleton, then Missouri's Lieutenant Governor.

One of the most influential Republicans in the House, Mr. Curtis served for 16 years on its Ways and Means Committee and became the ranking Republican on the Joint Economic Committee.

He was known as an expert on foreign trade and tariffs and a fiscal conservative of such respected principal that he managed the unusual feat of winning repeated endorsement from the New York-based Committee for an Effective Congress as well as backing from Americans for Constitutional Action, a conservative group.

OTHER POSITIONS

After leaving Congress, Mr. Curtis became a vice president and general counsel for the Encyclopedia Britannica, the position he now holds. But he continued in public affairs.

In 1969, he was appointed by President Nixon to an advisory commission to develop a plan for the creation of an all-volunteer

armed force. In 1970, he headed a committee established by the Twentieth Century Fund that advocated full disclosure of all money given to Congressional campaigns.

In 1971, he served on a private commission on foundations and philanthropies, and late that year President Nixon appointed him to the Rent Advisory Board as chairman.

Last year, he was appointed by the President to the seat on the board of the Corporation for Public Broadcasting formerly held by John Hay Whitney.

On Sept. 15, 1792, four days after his confirmation as a director by the Senate, he was named chairman of the board.

DARTMOUTH ALUMNUS

Mr. Curtis was born in St. Louis on May 14, 1911, the second of five sons of the former Isabel Wallace and Edward G. Curtis, a lawyer.

He grew up in Webster Grove, a suburb, and after attending public schools entered Dartmouth, where he earned a letter as an inside left on the soccer team and an A.B. in 1932. He received his law degree in 1935 from Washington University in St. Louis, an institution his grandfather had served as dean.

Then he entered practice with his father.

Mr. Curtis is married to the former Susan R. Chivvis. They have five children. Mr. Curtis, whose wife describes him as a "wrinkled and casual" dresser, spends his spare time reading and writing. He is at work now on his third book—about the House of Representatives.

A FUNDING COMPROMISE?

(By John Carmody)

The Senate is expected to pass a two-year, \$140-million authorization for public broadcasting sometime next week, in what would be the first step toward an invigorating injection of funds into the strife-torn industry.

Meanwhile, public TV faces a programming disaster for the fall and winter most solid reruns could be offered to Public Broadcasting Service (PBS) audiences, which in recent years have numbered around 40 million a week.

The Ford Foundation, a consistent major donor to public TV in the past, appears adamant in its decision to withhold an \$8.4 million grant from the network this year, pending a favorable decision in the long battle between the Corporation for Public Broadcasting and the supporters of PBS. Ford backs the network, which the CPB has threatened to take over.

In addition, major corporate gifts from firms like Mobil and Xerox, usually spent for major dramatic series, are being withheld.

As a result, PBS planners this week sketched in their fall schedule, working with a budget of only \$6 million in federal money. Already short of public affairs programming, PBS officials currently fear that:

"New" prime-time programming for the network's 1973-74 season, will suffer a 75 per cent reduction, to as few as four hours weekly, compared to an average of 16 hours a week offered this past season. Reruns would be inserted to fill out the schedule.

Of the eight "new" shows scheduled for the fall season, only three are sure to last through the second half of the broadcast year. At the start of last season, 17 network shows were aired weekly.

Unless money is found soon, it is possible that by January, new shows would appear only one night in seven on PBS.

"The Advocates" now partially funded, will be cancelled since its producers in Boston would be unable to assemble a top research team unless a full 26-week schedule could be funded from the start.

Two new major drama series to be imported from England will be postponed—at

best. They were to be funded by major corporations, but private funds continue to shrivel because of uncertainties over the federal budget and the outcome of public broadcasting's internal war.

A Xerox Corp. proposal to rebroadcast on PBS the acclaimed "America" series recently concluded on NBC is only one of the losses expected next season if current conditions continue.

Network officials, however, emphasize that daily daytime schedules for the important children's fare—"Sesame Street," "The Electric Company" and "Misterogers' Neighborhood"—are safe from the economy ax next season.

All three are funded by a \$6-million portion of the PBS total grant of \$13 million. They also have independent income sources to carry them through other seasons.

Another \$1 million in PBS grants has been allocated to Children's Television Workshop in New York to research an adult health series, due perhaps in 1974.

Should the network-CPB fight be resolved by mid-summer, Ford would probably add at least four public affairs shows to the fall schedule. The status of the BBC-produced drama shows would be uncertain. Meanwhile, the weekly PBS viewer would be faced with an imbalance of new public affairs programming and a dearth of new drama and entertainment fare.

Meetings of the two public broadcasting boards involved are scheduled this month but no quick solution is expected by either side at this time.

Conceivably, network officials fear, the severe cutback to a 4-hour weekly prime-time schedule could endanger the PBS operation itself. The 234 public-TV station operators who support PBS might be forced to determine the cost effectiveness of a national "interconnection" offering such a minimum daily program diet.

Thus, the industry is focusing its attention on Senate action next week, as rumors of a funding compromise with the White House abound—and as both money and time run out for next year's schedule.

The two-year authorization is sponsored by Sens. Warren G. Magnuson (D-Wash.) and John O. Pastore (D-R.I.). It is similar to a bill passed by both houses last year but vetoed by President Nixon in June.

The White House for the past two years has urged a one-year, \$45-million bill for public broadcasting, which would have increased public TV's annual programming budget to around \$20 million annually. Following the veto the administration bill was attached to an HEW-Labor money bill last fall and failed to survive another presidential veto. Since then CPB—and PBS—have been operating on a \$35-million continuing resolution, which maintains the \$13 million level for the network but ignores an estimated 10 to 14 per cent annual inflation loss each year.

The Magnuson-Pastore bill would allow CPB \$55 million plus \$5 million in matching funds for fiscal 1974 and \$75 million plus \$5 million in matching funds the next year.

The bill has been endorsed by the CPB board of directors, despite its battle with PBS and its supporters over control of the network.

A Hill source said yesterday that the CPB support could mean that the administration—which had earlier submitted a \$45-million, one-year bill which was not reported out of committee—is prepared to compromise.

These sources indicate that the White House would accept a one-year authorization of \$60 million if Congress dropped the two-year funding, which the administration has opposed.

Meanwhile, PBS must plan on the "pessimistic" assumption that only a \$35-million continuing resolution would be in force again next year.

Based on that pessimistic estimate, CPB approved a \$13-million budget for PBS several weeks ago.

Six million dollars of that sum, however, goes to children's programming. A further \$1 million has been ticketed for research into an adult health series this year by Children's Television Workshop.

PBS planners with only \$6 million, from which they have managed to pencil in eight programs for next fall: "Zoom," "Masterpiece Theater," "Special of the Week," "Book Beat," "Black Journal," "The Advocates" and "Wall Street Week."

"Zoom" was guaranteed a full season just this week, when the McDonald's Corp. matched the CPB programming money.

All of the others, except "Special of the Week" and "Book Beat" are underfunded for a full season, according to PBS officials, and must wait on not only the federal budget but Ford Foundation money as well.

In the wings for the winter half of the 1973-74 season are three other shows. They include the "Theater in America" drama series announced earlier this week by Exxon Corp. and CPB; a science program to be produced in Boston by WGBH, and a possible combination of specials produced by Channel 26 (WETA) here.

These could include "Interface," an all-black program and additional documentaries produced by the National Public Affairs Center for Television (NFACT).

Mr. MAGNUSON, Mr. President, when Congress enacted the Public Broadcasting Act of 1967, and thereby created the Corporation for Public Broadcasting, we declared unequivocally that the Corporation must be insulated from all governmental pressures—executive as well as legislative.

Even if Congress had not expressly said so, however, this freedom had to be axiomatic if the Corporation were to fulfill the mandate given it. Otherwise how could we expect it to serve public television in such sensitive areas as programming and disbursement of Federal funds.

As vital as this freedom is, however, it is equally important that the public, the individual stations, and the men and women in industry believe the Corporation is free from political pressures.

Even though the Corporation may in fact be insulated from governmental interference, if the contrary appears to be the case then confidence in its integrity and dedication to excellence will be weakened. In that event, the Corporation may just as well be subject to the political currents of the moment, because it will have lost the faith of its constituency and its demise will only be a matter of time.

Mr. President, I cannot emphasize too strongly the importance of the appearance of this freedom from government interference. To me loss of it is the great danger that confronts the Corporation for Public Broadcasting today. The air is full of charges and denials that officials in the administration are attempting to influence the activities of individual members of the Corporation's board of directors, and reshape public broadcasting according to its orthodoxy.

Significantly, these charges are not being made by special interest groups, or others whose objectivity or motives might be questionable.

Recently, the chairman of the board of directors of the Corporation, Mr.

Thomas B. Curtis, an administration appointee—resigned because, in his words, the White House had “tampered with” the independent board, in express contradiction to assurances that he received.

At this point, Mr. President, I ask unanimous consent to insert into the RECORD a news story which appeared in the April 24 edition of the New York Times, based on a 2-hour interview with Mr. Curtis in which he discussed the circumstances surrounding his resignation, and his reasons for asserting that the White House had tampered with the independence of the board.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

“TAMPERING” CITED IN PUBLIC-TV ROLE
(By McCandlish Phillips)

CHICAGO, April 23.—Thomas B. Curtis, chairman of the Corporation for Public Broadcasting until he resigned abruptly a week ago, said today that the White House had “tampered with” the independent board, in express contradiction to assurances that he had received.

In a two-hour interview with The New York Times in his office here, Mr. Curtis made his first comments since his resignation, explaining that in his view the integrity of the board had been threatened by White House interference.

Mr. Curtis said it was now imperative that the board “reassert its independence and integrity” by devising procedures that would effectively insulate it from political pressures.

“I had the clear understanding that the President wanted us to set up the Corporation for Public Broadcasting that public broadcasting could not be made a propaganda arm for the Nixon Administration or for any succeeding administration,” the Republican appointee said.

Mr. Curtis said he had responded to that assurance by seeking to establish procedures by which “the whole Congress and the public” would have full confidence in the independence of the board.

“You can see what happens when officials in the White House constantly talk to members of the board, calling them privately and interfering with the process” of deliberation, he said.

Mr. Curtis continued:

“When it became clear that the White House was not respecting the integrity of the board, then I couldn’t defend the integrity of the board the way I had.

“This board has been under very severe attack in the news media for the past 5 months, with people saying that it was involved in a ‘Nixon takeover,’ and I have defended it vigorously—and I underscore vigorously.

“I don’t believe I could defend the board with that kind of vigor any more. When I felt I could no longer do that, I felt I better resign.”

At no point in his lengthy analysis did Mr. Curtis name the individuals who had allegedly interfered with the deliberations of the board, saying that he was determined to discuss an important public issue and refrain from referring to personalities.

WHITEHEAD IS NAMED

His sole reference to an individual by name was in a side reference to Clay T. Whitehead, director of the White House Office of Telecommunications Policy.

“I asked Mr. Whitehead, when he testified [before the Pastore Committee] to state that the White House respected the integrity of the board and felt that it was essential to maintain it, and I thought he would, but he didn’t,” he said.

Mr. Curtis ventured that President Nixon’s “ideas about this have been shot down by

people in the White House who don’t understand the basic importance of why this board has to act independently.”

His resignation on April 14 came in the wake of a decision by the board, by a 10-4 vote, to defer action on a carefully worked-out compromise plan determining the operating structure of public broadcasting.

The plan was designed to adjust relations between the Corporation for Public Broadcasting, created by Congress to oversee public television, and the country’s 233 public television stations. It would have assured that the stations would retain a large measure of control in public television’s national programming.

“I was surprised,” Mr. Curtis said. “I thought the board would agree to the plan, and I still think the members were ready to when the White House interposed. I felt that the board had been tampered with, and I told the board that. I sent the President a copy of my letter.”

KEEP HANDS OFF

The compromise plan, far from being the sole viable solution, was just one of many possible plans that might have worked, he said.

“It wasn’t the deferral that disturbed me, it was the fact of interference,” Mr. Curtis explained. “That was contrary to what I had understood the White House had agreed to do—namely, keep hands off.”

Mr. Curtis said that calls had been made to board members up to the very eve of the meeting on the compromise plan. “Four of the members told me they had been called, and two of them resented it,” he said.

“I think the calls were primarily to shoot down the compromise,” he asserted. “When a decision is about to be made, that’s when they shouldn’t be messing around.

“You don’t interfere even by making phone calls. This kind of communication is improper.”

His manner throughout the interview was good-humored, relaxed, plain spoken. “I’m not angry at anybody,” the former Missouri Representative said. “I was there trying to do a job, and if I cannot defend the board as I did, I’m not useful any more.

“My aim was the integrity of the board. That was the *sine qua non*.”

Mr. Curtis said that Congress had acted to create what it regarded as “an independent, nongovernmental corporation.” The key to it, he said, are a six-year term for board members, “thereby exceeding the term of office of the President,” and staggered terms, so that no President could appoint a majority to the board in a single term of office.

He likened the position of the C.P.B. in the Government to such regulatory agencies as the Federal Trade Commission and the Federal Communications Commission. “They are arms of the Congress, not of the Executive,” he said.

Congress ruled that “no more than 8 of the 15 board members of the corporation be of the same political party, and it required that the board itself elect its own chairman,” Mr. Curtis pointed out. That, he said, showed Congress’ intent.

Mr. Curtis said that “most of these agencies have developed procedures which insulate them against political pressures of the Executive, and this board should be doing the same thing.”

“Unless this board reasserts its independence and integrity,” he continued, “and all groups respect this, I don’t think the Congress will go along with having the Government in public broadcasting, because then you don’t have it insulated against normal political pressures.

“All that’s happened here is that the Executive has tried to get its opinion into the board—it isn’t necessarily a takeover—but there’s a proper way to go about it: Write a letter and make the letter public, not going

behind closed doors and saying God only knows what talking to one commissioner at one time, to one at another time.”

Mr. Curtis said the C.P.B. must “adopt firm rules” and deliberate decisions on the basis of “facts and fair arguments.” “The way you deliberate is by letting everybody hear the same thing in a common forum,” he said.

Mr. MAGNUSON. Others have spoken out as well. One of the most successful and distinguished stations in the public broadcasting system—WGBH, Boston—has, according to an article appearing in the April 27 edition of the Washington Post, threatened to refuse Federal funding for the coming fiscal year unless assured that the Corporation is not subject to “improper influence” from the White House.

If this occurs it would mean the end of the very popular children’s program “Zoom” as well as the cancellation of “The Advocates.”

Another distinguished Washington newspaper, the Evening Star & Daily News, has expressed its apprehension in an editorial on public television dated April 26.

The point, I believe Mr. President, is obvious. The independence and integrity of the Board of Directors of the Corporation for Public Broadcasting is being questioned, and this fact in and of itself threatens to undermine public confidence.

I, therefore, urge the Directors to move quickly and decisively to allay the fears and suspicions that have arisen. The fact of their independence is not enough, the public must believe it.

Mr. PEARSON. Mr. President, I support strongly the passage of S. 1090, a bill to extend the authorization of the Corporation for Public Broadcasting, and the authorization for facilities for non-commercial educational broadcasting. I commend the leadership of our distinguished Commerce Committee chairman (Mr. MAGNUSON), and our distinguished Communications Subcommittee chairman (Mr. PASTORE), in advancing the cause of public broadcasting. The legislation before the Senate today is essential if public broadcasting is to survive and prosper in an atmosphere absolutely devoid of political pressure and influence.

At its March meeting the Board of Directors of CPB adopted a resolution strongly urging the enactment of the Magnuson-Pastore bill. In its resolution the Board declared:

The Corporation regards the two-year authorization as basic to sound planning for public radio and television activities and to the efficient use of taxpayer dollars. The Corporation regards the \$60 million and \$80 million levels for Fiscal 1974 and Fiscal 1975, respectively, as essential to the maintenance of a pattern of deliberate growth in public broadcasting’s quality and quantity of services to the American people.

I share the view of the Board and would urge passage of S. 1090, the opposition of the administration notwithstanding. The increase in funding and the assurances provided by a 2-year authorization are needed in order to achieve the level of excellence and diversity called for under the Public Broadcasting Act of 1967.

COMMUNITY SERVICE GRANTS—TELEVISION
AND RADIO

If the Magnuson-Pastore authorization package is adopted and funded, the Corporation for Public Broadcasting in fiscal 1974 will substantially increase direct support to local stations through community service grants. In fiscal 1973, approximately \$6.6 million is going to local stations to be used for purely local services. In view of the fact that CPB is limited by its continuing resolution to an overall appropriation of \$35 million in fiscal 1973, this commitment to community service grants must be regarded as substantial. The Corporation proposes to make such grants totaling \$19 million in 1974—assuming that \$60 million is appropriated for the year. An allocation of this magnitude will help guarantee the fiscal stability of the local station—an element indispensable to an effective system of public broadcasting.

OTHER PROGRAM INCREASES

CPB proposes to increase its commitment to programs for public television by \$9.4 million in fiscal 1974. Programs for public radio will receive an increased commitment of \$818,000. Although CPB envisions, under the terms of S. 1090, an increase in obligational authority of about \$24.5 million, it proposes to increase its professional staff by only nine positions. Virtually all the proposed increase will flow directly to the production and distribution of programs, and to the support of local stations. The CPB, in short, proposes not to build an empire, but to materially increase the level of services provided the public broadcasting system in the United States.

THE INDEPENDENCE OF PUBLIC BROADCASTING

There are serious issues in public broadcasting involving the relationship between the Corporation and the Public Broadcasting Service—which represents the local TV stations. These issues have not been resolved by the parties in this relatively new and expanding field of public service. The legislation before the Senate today properly does not attempt to arbitrate disputes between the stations and the Corporation. There may be an opportunity in the future for our committee to consider substantive changes to the Public Broadcasting Act of 1967. Suffice it to say that both the stations and the Corporation will suffer if S. 1090 is not approved and signed into law. This legislation is a modest attempt to salvage and promote those values in public broadcasting which are universally regarded as worthwhile and in the public interest.

Mr. President, the independence of public broadcasting from political influence and interference must be maintained. This independence is a condition precedent to the continuation of public funding in broadcasting under the mandate of the first amendment to the Federal Constitution. If the Congress, the industry, and the American people cannot devise a public broadcasting system wholly independent on political influences, then the experiment must be abandoned. The issue, in light of our profound commitment to the Bill of Rights, is as simple as that.

It is estimated that public broadcasting has an audience of some 40 million of Americans. There can be no compromise: public broadcasting must be free.

The prospects of 40 million citizens watching public affairs programming directly or indirectly controlled by elected leaders is anathema to our cherished concept of freedom of speech and press.

In this context, Mr. President, I cannot adequately describe my concern over certain remarks made by a high-level White House adviser to the President on the Dick Cavett Show in mid-March of this year. The adviser attacked several PBS public affairs programs as “unbalanced against us,” whoever “us” is, and coupled the attack with an affectionate—almost gleeful—recollection of the Presidential veto of the CPB authorization package approved by the last Congress. The clear impression left with the Cavett audience after this performance was that CPB would be severely limited in funding until its programming conforms more closely to the perceived values of high-level political appointees. Reportedly because of lack of funding, CPB has announced the cancellation of all the programs mentioned critically by the White House adviser on the Cavett show—except “Black Journal,” which was proclaimed as “unbalanced against us” but perhaps has other redeeming social merits.

I do not accuse CPB of callous disregard of its mandate to be wholly independent in performing its duties. And I can understand the need to abandon some program grants in light of the possible budgetary limitations in the fiscal 1974 cycle. I can even understand the decision to salvage educational and cultural programming at the expense of public affairs commentary.

In my judgment CPB need not sacrifice public affairs programming on the altar of expedience in order to save educational and cultural programming. The CPB must be afforded adequate funding to insure the responsible growth of all of its important activities. And public affairs programming, insulated from political interference, is an important activity of public broadcasting.

Mr. President, I have the highest regard for the members of the Board of the Corporation for Public Broadcasting. As the distinguished Senator from Rhode Island has observed, if I may paraphrase his words, the Congress could not have selected a more distinguished or qualified Board from among all the people of this Nation. I believe the resignation of CPB Chairman Tom Curtis was a tragic loss to public broadcasting, and it is regrettable that the transcending need for Board independence was a factor in Mr. Curtis' decision to resign. The Communications Subcommittee during hearings on S. 1090, assured the Board of its continuing commitment to Board independence. And the Board in turn reaffirmed its commitment to this requirement, the sine qua non of the whole enterprise.

I trust the Senate today will communicate, in these deliberations, the strongest possible commitment to independence in public broadcasting as well as full con-

fidence in the members of the Board of CPB. How petty it would be, and how unfortunate, if the Congress were to reduce appropriation levels for CPB because of a perceived affront to a powerful Member by some commentator on a public affairs PBS program. Neither the Congress nor the administration should use the power of the purse in retribution against the beneficiaries of any governmental program. It is particularly important to follow this proscription in considering support for public broadcasting, as the fundamental freedom of Americans to be informed by independent commentators hangs delicately in the balance.

Mr. President, the passage of S. 1090, as reported by our committee, will signal not only our commitment to the financial support of local stations, and the educational and cultural programming of public broadcasting, but also our commitment to true independence in publicly supported public affairs programming. This action will signal our confidence in the people who have been charged with the responsibility to carry out the mandate of the act.

It is a most important bill.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I yield back the remainder of my time on the bill.

Mr. BAKER. Mr. President, I yield back the remainder of my time on the bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1090) was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. NUNN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS), is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Utah (Mr. MOSS), would each vote “yea.”

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Nebraska (Mr. HRUSKA), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senators from Ohio (Mr. SAXBE and Mr. TAFT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Arizona (Mr. GOLDWATER). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 66, nays 6, as follows:

[No. 119 Leg.]

YEAS—66

Abourezk	Fong	Metcalf
Aiken	Gravel	Montoya
Allen	Griffin	Muskie
Baker	Hart	Nelson
Beall	Haskell	Packwood
Bennett	Hatfield	Pastore
Borah	Hathaway	Pearson
Biden	Hollings	Pell
Brooke	Huddleston	Proxmire
Byrd	Hughes	Randolph
Byrd, Harry F., Jr.	Humphrey	Schweiker
Byrd, Robert C.	Inouye	Scott, Pa.
Case	Jackson	Stafford
Chiles	Johnston	Stevenson
Clark	Johnson	Symington
Cook	Kennedy	Talmadge
Cotton	Long	Talmadge
Cranston	Magnuson	Thurmond
Curtis	Mansfield	Tower
Dole	Mathias	Tunney
Dominick	McClellan	Welcker
Eagleton	McGee	Young
Ervin	McGovern	
	McIntyre	

NAYS—6

Bartlett	Hansen	McClure
Fannin	Helms	Scott, Va.

NOT VOTING—28

Bayh	Fulbright	Ribicoff
Bennett	Goldwater	Roth
Bentsen	Gurney	Saxbe
Brock	Hartke	Sparkman
Buckley	Hruska	Stennis
Burdick	Javits	Stevens
Cannon	Mondale	Taft
Chambers	Moss	Williams
Church	Nunn	
Eastland	Percy	

So the bill (S. 1090) was passed, as follows:

S. 1090

An act to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 396(k)(1) of the Communications Act of 1934 is amended to read as follows:

"(k)(1) There is authorized to be appropriated for expenses of the Corporation \$55,000,000 for the fiscal year ending June 30, 1974, and \$65,000,000 for the fiscal year ending June 30, 1975."

(b) Section 396(k)(2) of such Act is amended by striking out "1973" and inserting in lieu thereof "1975".

(c) Section 391 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1974, and each of the three succeeding fiscal years such sums, not to exceed \$25,000,000 in any such year as may be necessary to carry out the purposes of section 390. Sums appropriated under this section for any fiscal year shall remain available for payment of grants for projects for which applications, approved under section 392, have been submitted under such section prior to the end of the succeeding fiscal year."

SEC. 2. Section 399 of the Communications Act of 1934 is amended by inserting "(a)" after "Sec. 399." and by inserting at the end thereof the following new subsection:

"(b)(1) In order to assure compliance with this section and with other provisions of this Act requiring fair treatment of matters in the public interest, every license of a broadcast station which receives assistance under this title shall make audio recordings of each broadcast of a program in which issues of public importance are discussed, and shall maintain such recordings for a period of sixty days from the time such program is broadcast. Copies of these recordings shall be made available to the Commission upon its request, and to any member of the public upon payment of the reasonable costs associated with the making of such copies: *Provided*, That the foregoing requirement may be satisfied by retention of the audio tape by the Corporation for Public Broadcasting or any authorized entity.

"(2) The Commission shall by rule prescribe the manner in which such recordings shall be kept, and the conditions under which they shall be available to the members of the public, giving due regard to the goals of eliminating unnecessary expense and effort and minimizing administrative burdens."

The title was amended, so as to read: "A bill to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes."

Mr. PASTORE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements therein limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATERGATE

Mr. TUNNEY. Mr. President, never in our history has the foundation of trust in our Government been so severely shaken as now with the revelations of a vast political conspiracy coordinated from the White House.

Watergate has unleashed a tidal wave of cynicism and doubt across our land, and credibility in our institutions is crumbling.

If credibility is to be restored—and if the doubts reflected in recent public opinion polls are to be resolved—swift action must be taken to assure an independent and thorough investigation of Watergate.

This morning, Elliot Richardson finally acknowledged that, as Attorney General, he plans to appoint a special prosecutor and "give him all the independence, authority and staff support" needed.

He gave no indication of how he plans to implement such a mandate. Nor did he say whom he will appoint.

He should do both when he makes his opening statement Wednesday at his confirmation hearing before the Senate Committee on Judiciary.

The committee, in my judgment, should jointly act on the qualifications of both Mr. Richardson and his designee as prosecutor.

Already, events may be getting beyond the control of an independent prosecutor. In Florida, one man has been indicted—a hasty event, which may foreclose needed testimony on the implications of the case. Only time will tell.

We need an independent prosecutor immediately with full authority to continue or to alter investigative activities or, indeed, to pursue presently unexplored activities.

Mr. Richardson insists that the man he will appoint must report only to him. It is imperative, therefore, that the Judiciary Committee, in the context of the ongoing Watergate investigation and related developments, consider not only Mr. Richardson's qualifications but also those of his subordinates.

Clearly, independence from any political string pulling is essential to the investigation into Watergate. All leads must be followed. All clues must be developed. All efforts at coverup must be overcome, so that all the facts are brought to light and the guilty are brought to justice.

Mr. Richardson, of course, owes a great deal to the President. Even though I have no doubt about Mr. Richardson's integrity, I feel that the American people want assurance that it will not be possible for anyone to interfere with this investigation.

I think it would be most helpful to all of us serving on the Judiciary Committee for Mr. Richardson, when the committee convenes on Wednesday to consider his qualifications, to announce who it is that he intends to name as the special prosecutor, assuming that Mr. Richardson is confirmed by the Senate.

Now, if it is impossible for the Attorney General-designate to give us an indication as to who he will name, I reserve judgment at the present time on whether or not I could vote for his confirmation. However, it seems to me that the Senate ought to consider the possibility of having Congress appoint the special prosecutor. It would seem that to do that, a resolution would be required which would duplicate procedures that safeguarded the investigation into the Teapot Dome scandal of an earlier generation.

Specifically, such a resolution would empower Congress to appoint a bipartisan prosecution team of two persons, one a Democrat and the other a Republican, both persons of consummate integrity. Such a team developed the truth in the scandal in the 1920's, and it certainly could do the same in this case. It would utilize the investigative facilities of the FBI and other arms of government, but its codirectors would be totally beyond the reach of manipulation or the silencing hand of superiors.

Although I do not feel that such a resolution at this particular moment is essential, if Mr. Richardson cannot give us some indication on Wednesday of who he plans to name and if he feels that he cannot give us any indication until such time as his nomination is confirmed by the Senate, then it may very well be appropriate for Congress to take action on a congressionally appointed special prosecutor resolution.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 7, 1973, he presented to the President of the United States the enrolled bill (S. 518) to abolish the Offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the two leaders have been recognized under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Mr. PROXMIRE, Mr. GRIFFIN, Mr. BROCK, and Mr. ROBERT C. BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate tomorrow upon the expiration of the 15-minute orders for the recognition of Senators, and that at no later than 10:59 a.m. the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. PROXMIRE, Mr. GRIFFIN, Mr. BROCK, and Mr. ROBERT C. BYRD.

At the conclusion of those orders, and not later than 10:59 a.m., the unfinished business will be laid before the Senate.

At no later than 11 a.m., the Senate will proceed to the consideration of the so-called EDA bill, H.R. 2246, on which there is a time agreement. Yeas-and-nay votes will occur on tomorrow.

The unfinished business, S. 352, will be resumed upon the disposition of the EDA bill or upon the close of business tomorrow, whichever is the earlier.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 3:27 p.m. the Senate adjourned until tomorrow, Tuesday, May 8, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 7, 1973:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Lewis M. Helm, of Maryland, to be an Assistant Secretary of Health, Education, and Welfare, vice Robert O. Beatty, resigned.

DEPARTMENT OF THE TREASURY

Edward C. Schmultz, of New York, to be General Counsel for the Department of the Treasury, vice Samuel R. Pierce, Jr., resigned.

IN THE ARMY

The following-named officer to be added in the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Frank Thomas Mildren, 526-54-3094, Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of Section 3066, in grade as follows:

To be general

Lt. Gen. Melvin Zais, 016-14-9359, Army of the United States (major general, U.S. Army).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Gloria E. A. Toote, of New York, to be an Assistant Secretary of Housing and Urban Development, vice Samuel J. Simmons, resigned.